

June 5, 2007

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L05P0010**  
Proposed Ordinance No. **2006-0580**

**SERRANO (fka *MEREDITH HEIGHTS*)  
Preliminary Plat Application<sup>1</sup>**

Location: South of South 300th Street and west of 64th Avenue South

Applicant: Harbour Homes  
*represented by* **Brent Carson** and Meghan Nelson, Attorneys  
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Appellants: Dennis and **Mara Heiman**  
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King County: Department of Development and Environmental Services (DDES)  
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<sup>1</sup> The related appeal of the Mitigated Determination of Nonsignificance (MDNS) issued under the State Environmental Policy Act (SEPA) for the proposed action is denied in a separate concurrent decision.

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to revised conditions
Examiner's Decision:	Approve, subject to revised conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	December 19, 2006 <sup>2</sup>
Hearing Closed:	April 30, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****1. General Information:**

Owner/Developer:	Jeff Earle Harbour Homes, Inc. 33400 9 <sup>th</sup> Avenue South #120 Federal Way, WA 98003 253-838-8305
Engineer:	D.R. Strong Consulting Engineers, Inc. 10604 NE 38 <sup>th</sup> Place Suite #101 Kirkland, WA 98033 425-827-3063
STR:	SE-2-21-4
Location:	The property is generally located south of South 300 <sup>th</sup> Street and west of 64 <sup>th</sup> Avenue South
Zoning:	R-4-P
Acreage:	57.11 acres
Number of Lots:	202
Density:	3.54 units per acre
Lot Size:	Ranges from approximately 3,200 to 8,500 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	King County District No. 31
School District:	Federal Way School District No. 210
Application Completeness Date:	May 2, 2005

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<sup>2</sup> The December 19, 2006 hearing commencement took some public testimony and then was adjourned into a prehearing conference because of the receipt of the SEPA appeal. The hearing on substantive matters recommenced on March 8, 2007.

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation (KCDOT) testimony are found to be correct and are incorporated herein by reference.
3. The subject property is an odd-shaped parcel (roughly an L in shape), approximately 57.11 acres in area.<sup>3</sup> It is located in the unincorporated area between Federal Way and Auburn and sits on the uplands and side slopes above the Auburn/Green River valley floor west of West Valley Highway. The internal angle of the L sits at the intersection of 64th Avenue South and South 300th Street, so the property lies east of 64th Avenue South and south of South 300th Street. It also lies southeast of 65th Avenue South, which branches northeasterly from 64th Avenue South in the northwest corner of the property's northerly extension.
  - A. The site terrain is formed by the property's setting on the uplands and steeply sloped sidehills above the valley floor. The area proposed for development (see ex. 8) lies entirely above the steep side slopes, which are steepest (and closest) in the southeast portion of the northerly extension part of the site, and is located in the Tributary 0053 sub-basin of the Mill Creek sub-basin, part of the greater Lower Green River basin. The uplands above the majority of the sideslopes form a kind of raised topographical lip on the top of bank so that the proposed development area's surface water drainage is not directed immediately to the nearest valley sideslopes but actually away mainly to the north. The bulk of the northerly extension (that portion roughly north of South 300th Street) slopes away from the top of bank to the west and northwest. The southwesterly portion of the site is bisected by a north-descending stream depression (away from the nearest southeasterly descending steep slopes of the Auburn Valley) which contains headwaters of Tributary 0053, with short sideslopes descending toward the depression from either side. The tributary corridor runs north toward and under South 300th Street from the property's frontage, then turns northeasterly to re-enter the site in its northeasterly portion on the 64th Avenue Southeast frontage before departing again to cross under 65<sup>th</sup> Avenue Southeast and then descend northward toward the valley floor.<sup>4</sup>
  - B. The southern third, approximately, of the southwesterly part of the site is encumbered by wetlands and high voltage electrical power transmission lines running diagonally from southwest to northeast through the southern-most portions of the site. In addition to the aforementioned stream corridor, several wetland areas lie on the upland portions of the site.
  - C. The property is developed with eight residences and outbuildings and contains a mix of woods, pasture and brush. The surrounding uplands area is an urbanizing part of the unincorporated county which is converting to fairly standard suburban lot size subdivisions for detached single-family dwellings, although there is a great range of parcel sizes in the area given its previous semi-rural and large lot suburban nature. The valley sideslopes in the southerly portions of the site are undeveloped. The valley floor

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<sup>3</sup> After a pending Boundary Line Adjustment (BLA) being processed under file L06L0036, the property area subject to the preliminary plat will be reduced to approximately 50.92 acres.

<sup>4</sup> The valley opens northwesterly in the area where Tributary 0053 enters it flowing in a northerly direction; the tributary essentially cleaves the valley side slopes with a non-perpendicular side ravine. (See ex. 22)

to the north has numerous relatively small acreage tracts (many in the five-acre range), some of which are devoted to agriculture, some are acreage residences with unused pasture, and some wetlands.

4. Applicant Harbour Homes, Inc., proposes the *Serrano* subdivision with development of the upland portions of the property into 202 lots for detached single-family dwellings.<sup>5</sup> A multitude of separate tracts would be created for recreation/open space and drainage facilities as well as a few access tracts for lot access.
  - A. Public road access to the developable lots in the proposed subdivision would be provided by the extension of public roads easterly from 64th Avenue South and southerly from South 300th Street, culminating in two networks of roads (one each in the northeasterly portions of the site and in the westerly portions, separated by the aforementioned stream depression), with termini in cul-de-sacs except for: a road stub on the far easterly property boundary in the northeastern part of the site, formed by the short road stub of South 298th Street extending east from 65th Court South; a road stub formed on the far westerly property boundary at the southwesterly temporary terminus of South 303rd Street, west of 60th Avenue South; and a right-of-way extension extending south-southeasterly from the proposed temporary improvement terminus of 61st Avenue South in the southwestern portion of the site. (The right-of-way extension would extend to the far southerly property boundary, with the final location to be determined during engineering plan review and approval.) The road right-of-way stubs on the external boundaries of the property are intended to provide for future extension offsite upon development of adjacent parcels when and if that occurs.
  - B. The property is proposed to be developed in two phases (approximately equal in numbers of lots, 103 and 99 respectively), corresponding generally to the topographical separation formed by the stream depression, except that Phase I encompassing the eastern portion would also incorporate the entirety of the property's South 300th Street frontage, including its westerly portion, and therefore would construct full frontage improvements along the entirety of the property's frontage on South 300th Street (in part, that would provide safe walking conditions for resident school pedestrians from Phase I to their nearby schools; see later Finding 6).
  - C. The lot density would be approximately 3.54 dwelling units per acre, with lot sizes ranging from approximately 3,200 to 8,500 square feet.
  - D. The development will provide a significant amount of on-site recreation space and facilities, as well as pedestrian trails. The locations of the recreation tracts are found to be sufficiently central, convenient and accessible to the prospective development residents, in conformity with county code provisions. As part of such finding, the Examiner finds that the land area covering the proposed two buried drainage detention vaults is fully utilizable for recreation and open space and is permitted to count toward the qualifying land area for code conformity.<sup>6</sup>

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<sup>5</sup> Detached single-family dwellings are required by the property's R-4-P zoning.

<sup>6</sup> In so finding, the Examiner notes on reexamination of the issue that the restrictions on using drainage facility areas to count toward recreation space in KCC 21A.14.180(F) were established in the context of addressing open pond drainage storage

5. Traffic impacts of the proposed development will be adequately mitigated under applicable county code requirements and through the imposition of a mitigation measure imposed by the Mitigated Determination of Non-Significance (MDNS) issued by DDES as the responsible official for this project action pursuant to the State Environmental Policy Act (SEPA). The development has been granted a traffic Certificate of Concurrency under Chapter 14.70 KCC and is also subject to the standard collection of MPS mitigation fee payments pursuant to Chapter 14.75 KCC, which apply to each dwelling unit. The MDNS imposes a mitigation measure for Level of Service (LOS) mitigation under Chapter 14.80 KCC (KCC 14.80.030(A)) for project impacts at the existing intersection of 46th Place South/South 321st Street west of the site, which the developer may conduct jointly with the developer of the *CamWest Federal Way* subdivision (file L04P0024) to widen South 321st Street to provide a west bound left turn lane meeting the specifications of the King County Road Standards (KCRS) together with necessary transitions which cumulatively will provide a merge-refuge lane with a sufficient storage area provided at the realigned 46th Place South (now 46th Avenue South) intersection. (See condition 23 below, for full details). Urban standard frontage improvements will be installed along the property's public road frontages, and the internal roads will conform to variously applicable KCRS specifications regarding width, etc.
6. The preponderance of the evidence in the record demonstrates that resident public schoolchildren will be provided safe walking conditions for their travel to their respective schools and/or bus stops as applicable upon development of the subject subdivision.
7. The development is conditioned to provide traffic impact mitigation and traffic safety provisions through the operation of county code, the MDNS mitigation measure and the KCRS (see Conditions 7, 8, 11 and 23 below). There is no legal authority to require more of the development in such regard. Persons who testified regarding their concerns about traffic and pedestrian safety in the subject area of developing urbanization may wish to contact the King County Department of Transportation Traffic Operations Section to request county installation of additional traffic controls and/or pedestrian improvements.
8. The King County Fire Marshal has recently instituted a more assertive program of fire suppression rules applied to development, wherein if road widths are provided as narrow as the 1993 KCRS permit as minimums, then individual structures may be subject to individual fire sprinkling requirements at the residential building permit stage. The matter is therefore left to post-preliminary plat consideration by the Applicant in deliberating the relative viability of those alternatives, and any agreements which may ensue from discussions with the appropriate fire officials. (See Condition 21.)
9. Chapter 16.82 KCC's tree retention requirements apply to the proposal. A detailed tree retention plan must be submitted with the engineering plans for the subdivision construction.

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facilities exclusively and do not take into account buried drainage detention vaults. Since the land area above buried detention vaults is typically fully utilizable for recreation facilities and indistinguishable from other bare ground for such purposes, the Examiner finds the limitations inapplicable in the case of buried detention vaults.

10. Development drainage is regulated by Chapter 9.04 KCC, the county surface water runoff policy. Chapter 9.04 KCC, which has been adopted as county environmental policy by KCC 20.44.080(B)(7), has required the development of the King County Surface Water Design Manual (SWDM), adopted as administrative rule by the King County Department of Natural Resources and Parks and administered by DDES in the review of development applications such as the one at hand. The subdivision proposal is subject to the 2005 version of the SWDM. As a primary element, the SWDM requires submittal of drainage analysis, and design and implementation of a drainage plan for many land development activities; those have been required for the proposed subdivision.
11. The following excerpts of the SWDM are pertinent to the assessment of the drainage impact mitigation efforts of the project design, including the voluntary offers of the Applicant over and above the SWDM specifications, and the significance of the development's drainage impacts post-mitigation:
  - A. "1.2.2.1 Downstream Analysis.... Downstream Drainage Problems Requiring Special Attention. . .[T]here are some types [of downstream drainage problems] that are more sensitive to creation/aggravation than others depending on the nature or severity of the problem and which flow control facility standard is being applied. In particular there are three types of downstream drainage problems for which the county has determined that the nature and/or severity of the problem warrants additional attention through the downstream analysis and possible additional mitigation to ensure no creation/aggravation:  
  
...  
  
"3. Severe flooding problems." [SWDM, p. 1-22]
  - B. "Severe flooding problems can be caused by conveyance system overflows or the elevated water surfaces of ponds, lakes, wetlands, or closed depressions. Severe flooding problems warrant additional attention because they pose a significant threat either to health and safety or to public or private property." [SWDM, p. 1-23]
  - C. "1.2.2.2 Impact Mitigation. A proposed project must not significantly aggravate existing downstream drainage problems or create new problems as a result of developing the **site**. *This manual (the SWDM) does not require development proposals to fix or otherwise reduce the severity of existing downstream drainage problems, although doing so may be an acceptable mitigation.*" [SWDM, p. 1-22, bold emphasis in original, italics added]
  - D. For severe flooding problems, the problem is considered significantly aggravated if there is any increase in the project's existing contribution<sup>7</sup> to the frequency, depth or duration of the problem for runoff events less than or equal to the 100-year event. [SWDM, p. 1-25]

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<sup>7</sup> (Footnote [20] in original) "Increases in the project's contribution are considered to be prevented if sufficient onsite flow control and/or off site improvements are provided as specified for severe flooding problems in Table 1.2.3.A (p. 1-29)...." (Emphasis added)

E. “Problem-specific mitigation requirements

“1. If a proposed project . . . drains to one or more of the three types of downstream drainage problems [such as severe flooding problems] . . . then the applicant must do one of the following:

a) Submit a Level 2 or Level 3 downstream analysis . . . demonstrating that the proposed project will not create or significantly aggravate the identified downstream problem(s), OR

. . .

d) Provide additional onsite flow control necessary to prevent creation or significant aggravation of the downstream problem(s) as specified in Table 1.2.3.A (P.1-29) and further detailed in Section 3.3.5. . .” [SWDM, pp. 1-25 - 1-26, emphasis added]

F. For Conservation flood control areas (within which the subject property and the downstream drainage area, including the valley floor, lie), Table 1.2.3.A specifies that the flow control acceptable for impact mitigation for severe flooding problems consists of “Additional Flow Control Apply the **historic site conditions** Level 3 flow control standard *if* flooding is from a closed depression, make design adjustments as needed to meet the ‘special provision for closed depressions’.”<sup>8</sup> [SWDM, p. 1-29, bold emphasis in original, italics added]

G. “1.2.3.1.C Flood Problem Flow Control Areas

. . .

“Intent

“The Level 3 flow control standard is intended to prevent significant increases in existing water surface levels for two-year through 100-year return frequencies. Such increases are expected to occur as the volume of runoff discharging to the water body is increased by upstream development. Because inflow rates to these water bodies are typically much higher than the outflow rate, increased runoff volumes from upstream development are, in effect, stacked on top of existing volumes in the water body, resulting in higher water surface levels. The duration-matching and 100-year peak-matching criteria of the Level 3 flow control standard counteract this stacking effect by slowing the arrival of additional runoff volumes. Because it can prevent significant

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<sup>8</sup> “Offsite improvements may be implemented in lieu of or in combination with additional flow control as allowed in [the SWDM].” The “Special Provision For Closed Depressions With A Severe Flooding Problem” specifies that “Special provisions for closed depressions experiencing a severe flooding problem and the amount of new impervious surface area proposed by the project is greater than or equal to 10% of the 100-year water surface area of the closed depression” (which has not been demonstrated in the record), then a “point of compliance analysis technique” is to be used “to verify that water surface levels are not increasing for the return frequencies at which flooding occurs,” and that onsite flow control performance is to be adjusted to prevent increases. The SWDM footnote also notes that “if permission to enter private property for [field] measurements is denied, DDES may waive this provision and apply the existing site conditions Level 3 flow control standard with a mandatory 20% safety factor on the storage volume.” [SWDM, p. 1-29, footnotes 3 and 5]

aggravation of existing flooding, the Level 3 standard is also applicable to other flow control areas where severe flooding problems have been identified per Core Requirement #2.” (Emphasis added)

“Effectiveness in addressing downstream drainage problems

*“If the Level 3 flow control standard is implemented onsite, no additional measures are required to prevent aggravation of the three types of downstream problems described in Core Requirement #2. The one exception is for a wetland or lake that is a closed depression with a severe flooding problem. . .”* [SWDM, pp. 1-36 - 1-37, emphasis added]

- H. “3.1.2 Flow Control Standards Level 3 Flow Control - Level 3 flow control is intended to mitigate water level changes in certain volume-sensitive water bodies such as lakes, wetlands, closed depressions where severe flooding problems have been documented. It is the most stringent standard applied in this manual. . . . Because such water bodies act as natural flow dampeners, it is difficult to detain collected stormwater beyond the natural residence of these systems. Therefore, the increased volume of runoff from new development inevitably increases the water level fluctuations of these water bodies. *The Level 3 flow control standard provides additional storage and increases the detention time to minimize these downstream impacts.*

*“This standard requires maintaining the durations of high flows at their pre-development levels for all flows greater than 1/2 of the two-year flow up to the 50-year flow and holding the 100-year peak flow rate at its pre-development level. The pre-development peak flow rates for the two-year and 10-year runoff events are also intended to be maintained when applying Level 3 flow control. As with the Level 2 standard, the pre-development condition to be assumed for matching durations varies depending on the county’s conservation/protection goals for the downstream drainage system.*

*“This standard is primarily applied in the contributing areas of specific water bodies with severe flooding problems, and which are known to be sensitive to flow volume changes.”* [SWDM, pp. 3-5 - 3-6, emphasis added]

12. The drainage impacts of the proposed development have been the subject of voluminous analysis and substantial controversy, primarily due to concerns that the drainage release from the site will significantly aggravate increasingly experienced saturated soil conditions on farmfields and other properties in the flat Auburn valley floor to the north of the *Serrano* site.
- A. The development portion of the site has three natural drainage sub-basins: Sub-basin A of approximately 18 acres is in the southwestern portion of the site, which naturally sheetflows to the aforementioned Tributary 0053 north-flowing stream channel onsite and then flows north offsite (before reentering the property into Sub-basin B). Sub-basin B is approximately 15.5 acres and comprises the area adjacent to South 300th Street east of the aforementioned stream channel and most of the area east of 64th Avenue South. It sheetflows northeast toward a wetland area and the reentered Tributary 0053 stream corridor. Sub-basin B outflows leave the site in Tributary 0053 toward the north in a 36-inch culvert that passes under 65th Avenue South. Tributary 0053 then descends through

a steep ravine area (see ex. 22) with slopes over 40 percent, which is experiencing significant erosion. The remaining sub-basin is sub-basin C, approximately 3.8 acres in area located in the northeast corner of the site, which sheetflows northwest to the piped storm drainage system on the east side of 65th Avenue South, which except for near its intersection with 64th Avenue South parallels the ravine in a northerly direction.

- B. A drainage adjustment (L05V0110) has been approved by DDES for a basin diversion to decrease the development runoff to sub-basin B and divert part of it to the drainage detention facilities in sub-basin C, approximately equalizing their runoff areas and volumes (sub-basin B would be decreased to approximately 9.51 acres and sub-basin C would be increased to approximately 10.4 acres). The diversion will reduce the volume of site flow to the aforementioned 36-inch cross culvert under 65th Avenue South into the deep ravine and convey it instead to a proposed new catch basin-connected tightline (pipe) to be installed to run downstream bypassing the ravine erosion area and releasing into Tributary 0053 below the area of erosion (the further downstream outlet will be provided energy dissipater features to reduce its erosion-creating potential at its new confluence with Tributary 0053).
- C. The Auburn valley floor is near flat with extremely low gradients, and in pre-immigrant settlement times contained a mix of extensive wetlands and shifting braided streams, with very saturated soils. The valley soils, of the *Norma* series consisting of sandy loam with some clay, are moderately to poorly permeable (except in the more coarse-grained alluvial fan areas where streams enter the flat valley; see below sub-Finding 12.H) and therefore naturally drain very slowly and hold a high water table. Groundwater (subsurface) flows are likewise slow in these soils. In converting much of the valley floor to agricultural uses, as was typical with chronically saturated ground, drainage improvements were made consisting of area ditching and installation of sub-surface drainage tile (essentially piping) to facilitate the drainage of the area to downstream tributaries so that the ground would dry enough during the growing season to sustain productive agriculture.
- D. Much of the ditching and sub-surface drainage tile systems in the subject area of the valley floor have been neglected, with drainage tile removal and general lack of maintenance of ditches and culverts. There also apparently have been very localized “fixes” such as culvert blocking and flow diversions by bulkheading, in “monkey-wrenching” tactics undertaken by sometimes fractious individual landowners who are understandably frustrated by and desperate to deal with soil saturation and flooding by diverting and warding off drainage flows ostensibly coming from other properties in the valley floor and thereby forestalling or reducing the problems on their own individual properties. But those activities are acknowledged to have merely caused or aggravated local flooding on other properties and areas. Consequently, it is apparent that some properties in the valley floor experience better drainage than others at the present time (and differently at different times; one landowner has ironically experienced much *drier* conditions in the recent past, cause unknown<sup>9</sup>) due to the inconsistency of drainage flows caused by the neglect and lack of maintenance, and random *ad hoc* diversions and blockages.

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<sup>9</sup> But perhaps because of the relatively recent diversion of Tributary 0045 into the Venture Ditch; see footnote 13.

- E. Downstream of the site and the development's proposed drainage facilities including the tightline bypass of the eroded ravine area, Tributary 0053 flattens out into the valley floor and historically flowed (mostly in a well-defined channel but also with some less-defined meandering areas) north and northeasterly to the Venture Ditch, a man-made drainage ditch which flows east from near an adjacent tributary to the west of Tributary 0053 (Tributary 0045, historically (but see footnote 13) in a different sub-basin than the Mill Creek sub-basin, the Mullen Slough sub-basin generally to the west and northwest). The Venture Ditch runs along the rear (south) sides of four five-acre parcels lying on the south side of South 287th Street and flows to the east to the West Valley Highway. The ditch waters then cross under the highway through concrete culverts which have been routinely described in this proceeding as "twin 24-inch" diameter culverts (though they are indicated as 27-inch and 30-inch on the upper Mullen Slough Existing Conditions base maps; ex. no. 22). From there, the Venture Ditch/Tributary 0053 outflows ran northerly on the east side of West Valley Highway and ultimately formed a confluence downstream with Mill Creek and then to the Green River. The Venture Ditch in the past evidently had not been maintained well, but in 1999 was been cleaned out by the Appellants and is functioning well. Thought by some to be near or over capacity, it did not overtop during the recent extreme storm events of the fall of 2006, during which the area experienced the wettest November on record and also individual storm events of an extreme precipitation nature, particularly the approximately 100-year storm event of November 6, 2006, which dropped 3.29 inches of rainfall in 24 hours.
- F. A recent development in the Tributary 0053 drainage system, just one parcel south of the east part of the Venture Ditch, the Meredith Business Park within the City of Auburn has constructed extensive drainage improvements for its own development (including significant drainage volume storage facilities) and also to convey Tributary 0053 high flows (above the two-year storm rate) away from the northerly route to the Venture Ditch (via weirs<sup>10</sup>) and run them easterly to cross the West Valley Highway in a separate 36-inch smooth-wall culvert (just south of the Venture Ditch culvert crossings), the outlet of which will be directed easterly rather than northerly to form a confluence with Mill Creek in the state highway SR-167 right-of-way (which runs parallel to the West Valley Highway approximately 800 feet to the east), relieving the West Valley Highway ditch system of backwater conditions during high flows. The new Meredith Business Park drainage facilities, operating with a capacity of 43 cfs (cubic feet per second), will thus relieve the Venture Ditch of the high flows of Tributary 0053.<sup>11 12</sup>
- G. Concern is expressed by the Appellants that the Venture Ditch outlet will be over-capacity even with the diversion of Tributary 0053 high flows. The "twin 24" inch culverts have a nominal capacity of 24 cfs with no "head" (water pressure from

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<sup>10</sup> Which will default to carrying Tributary 0053 waters even during base flows if there is an operational malfunction of the weir system.

<sup>11</sup> The Venture Ditch will also be somewhat relieved of its problematic 90-degree turn confluence of Tributary 0053, the physical dynamics of which lend themselves to higher erosion and sediment load drop, which require higher maintenance and can reduce capacity if not maintained.

<sup>12</sup> The 100-year storm flow of Tributary 0053 has been calculated at between 62.5-75 cfs; the official King County estimate is 63 cfs. Drainage analyses performed for the Meredith Business Park and the *Serrano* development have used 74 cfs as a conservative design approach.

upstream), but credible expert testimony opined that with an inlet head of one foot above the inlet the capacity will be approximately 50 cfs, and at 100-year flow conditions the capacity will be around 65 cfs, more than sufficient to carry the waters which remain from the diversion of Tributary 0053 high flow waters<sup>13</sup> through the Meredith Business Park (and seemingly with sufficient capacity remaining to handle overflows of those high waters away from the designed Meredith Business Park routing, which overflows are feared and have been speculated upon but not shown by the evidence as probable, since the total flows of Tributaries 0053 and 0045 have been adequately handled very recently by the Venture Ditch in a 100-year storm; the speculative lack of Venture Ditch capacity would be even more doubtful when Tributary 0045 is redirected northerly away from the Venture Ditch by the Mullen Slough CIP; see footnotes 13 and 18).

- H. Given the general nature of the historic braided streams in the Auburn valley floor to wander, particularly in the easily erodible soils of their alluvial fans at the points where they flatten out into the valley floor, and given past experiences of local stream wandering into adjacent sub-basins (such as asserted flows from Tributary 0053 into the adjacent basin of Tributary 0045, seemingly “assisted” by some of the diversionary tactics of one or more property owners), concern is expressed about:
- i. The potential for surface drift and/or seepage diversions from Tributary 0053 *base* flows into the adjacent Tributary 0045 sub-basin outside of the Tributary 0053/Mill Creek sub-basin. From a preponderance of the evidence in the record, the allegations of such diversions and/or seepages by the Appellants are found inconclusive, and as to effect if the phenomenon does occur, are not persuasive of significant impact or aggravation. In particular, they are unpersuasive of the flooding causation/aggravation alleged, since a) Tributary 0053’s high flows are shown persuasively to be diverted through the Meredith Business Park system, and b) persuasive expert testimony contends that, in any case, any “bleeding over” of such waters at base flows, if it actually occurs, will, again, only lead them to the capacity-relieved Venture Ditch for conveyance easterly to the West Valley Highway, well south of the Southeast 287th Street area (an area of great concern to the Appellants and others; see sub-Finding 12.O).
  - ii. The potential for Tributary 0053 waters to continue running northerly during *high* flows and not divert as planned into the Meredith Business Park drainage facilities and away from the Venture Ditch. The evidence in the record is not persuasive that that phenomenon will occur, but if even if there is some flow northward, it will still follow the general historic direction northerly and end up intercepted by the Venture Ditch, which as noted will at least be relieved of much its high flows by the Meredith Business Park routing (and in the near future relieved of the Tributary 0045 flows) and will therefore easily accommodate any escaping high flows from the intended routing of Tributary 0053.

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<sup>13</sup> Tributary 0045, all of which is diverted to the Venture Ditch currently (as it has for several years, having diverted from its former northerly flow to the Mullen Slough), will contribute 12.2 cfs during the 100-year storm. A Mullen Slough capital improvement program (CIP) is intended in the next few years to redirect Tributary 0045 flows northerly once again and they will then no longer flow into the Venture Ditch.

- I. The Meredith Business Park drainage facilities are also alleged by the Appellants and other nearby neighboring property owners not to have functioned properly during the aforementioned extreme weather events, but the preponderance of the record, including unrefuted expert testimony, indicates persuasively that the drainage facilities were still under construction during the heavy storm events between November 2006 and January 2007, and were not yet functional. The improvements had to be completed and stabilized (as to weir operation, etc.) to become fully functional.
- J. As seen above, the *Serrano* development will benefit from the complementary mitigation provided by the Meredith Business Park drainage facilities and the alternative routing under the West Valley Highway, bypassing the Venture Ditch and relieving it of high flows. More importantly with respect to *Serrano*'s drainage impacts, the Applicant has gone to extra lengths in the development design to mitigate the proposed development's drainage impacts on the downstream flooding problems. After providing an initial Level 1 Downstream Analysis, the Applicant preempted any further need for significant formal downstream analysis by opting instead to provide more than the highest level of county regulatory drainage detention and release standard, which is identified as Level 3 in the SWDM.<sup>14</sup> In addition to restricting the release at the county's most restrictive standard, the Applicant has voluntarily offered to base the allowable release rate calculations<sup>15</sup> not on the existing property runoff conditions, as typically allowed by the SWDM, which would equate to a higher base runoff rate than the "historic" condition of a fully forested state due to the presence of structures and other impervious surfaces and pastureland (which has a higher runoff coefficient than forested vegetation), but will instead base them on the standard 2nd growth forested condition runoff coefficient. The Applicant also voluntarily proposes to account for developed grass surfaces as "impervious" even though grassy areas do allow for some infiltration, thus adding an additional margin of reduction. As a result the proposed release rate will be significantly lower than is required by the county's most restrictive regulatory specification, the standard Level 3 release rate (again, required to be based on existing conditions rather than the forested condition runoff coefficient). The Applicant has termed this drainage specification as "Level 3 +" for purposes of distinction from the standard Level 3 requirement. The Applicant is also performing Best Management Practices (BMP's) consisting of infiltrating ten percent of the lot areas' drainage and revegetating wetland buffers, which will also lower the developed condition runoff volume from the development. The net result is that the *Serrano* property's drainage release rate during the 100-year storm will be reduced from the existing 4.41 cfs to 2.67 cfs upon development, a reduction of approximately 39 percent, and the release rate during the statistically applied lesser storm events will also be reduced, most with correspondingly proportional decreases. (See exs. 10, 64 and 68)

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<sup>14</sup> Such preemption is permitted by the SWDM; see Finding 8.E. The Applicant felt that additional downstream analysis would likely have reached the same conclusion that Level 3 flow control was necessary, so decided to expend the costs of the additional analysis elsewhere.

<sup>15</sup> In calculating predevelopment flow rates, use of a continuous hydrologic modeling system is required rather than the event modeling system used in implementing past versions of the SWDM. A single event model does not accurately reflect the sequential storm characteristics of typical Puget Sound wet seasons; the event model also assumes that the detention facility is empty at the start of a design event whereas actual detention facilities may be partially full as a result of preceding storms. The continuous hydrologic modeling approach accounts for the long duration and high precipitation volume of winter wet periods characterized by sequential, usually low-intensity rainfall events.

- K. As can be seen from Finding 8, the Level 3 flow control standard is applied by the SWDM not only in cases of significant downstream drainage problems but also in closed depression systems (which could be thought of as a separate class of downstream drainage problem). The Appellants claim that the flat valley floor is akin to a closed depression, but the Examiner finds by a preponderance of the evidence that the Tributary 0053 subbasin, into which the development's drainage will flow (and therefore the only one needing to be addressed directly here) is indeed not a closed depression. The general valley floor in the area is certainly a near flat area of poorly drained soils, with necessary man-made drainage facilities which have not been maintained to operate sufficiently, and parts of the valley floor area may constitute a closed depression as defined by the SWDM, but the Tributary 0053 sub-basin is certainly not one of them. If nothing else, the Meredith Business Park drainage improvements, onsite and downstream including the additional culvert capacity under the West Valley Highway and conveyances downstream, along with the relieved capacity of the Venture Ditch, provide more than sufficient outflow capacity down to Mill Creek to render the Tributary 0053 sub-basin free-flowing and clearly not a closed depression.<sup>16 17 18</sup>
- L. The preponderance of the evidence indicates that the experience of ground saturation, ponding and groundwater flows would not be caused or aggravated by the proposed development, and certainly not to any degree approaching significance. Those situations may have been aggravated by past upland developments which were subject to lower drainage standards under previous versions of county drainage regulations or, if old enough, subject to none at all. But mostly, the valley floor flooding seems highly localized, and attributable mostly to i) relatively high levels of precipitation which fall onto low permeability, slow-draining soils, and ii) the aforementioned systematic deterioration and disruption of the area's subterranean drainage systems and drainage ditches. (Anecdotes about historically drier soil conditions may be as much attributable to the systems' deterioration and blockages over time as to any other cause. And the subterranean rushing water flows observed on Appellants Mara and Dennis Heiman's property on the north side of South 287th Street may be attributable to errant drainage groundwater flows having found a way around blocked culverts/draintiles.)<sup>19</sup>

<sup>16</sup> Neither is the Tributary 0045 sub-basin a closed depression, since as noted it drains freely via the adequate Venture Ditch.

<sup>17</sup> In any case, the "Level 3+" provisions will also retard the release rates and stretch out the volume of release so that the "stacking of flows" phenomenon of concern in closed depression situations will not occur in the Tributary 0053 sub-basin as a result of the *Serrano* development. The development's drainage design will provide a near-retention situation with a greater balancing of inflows and outflows than is required with typical Level 3 flow control.

<sup>18</sup> The parts of the valley floor area other than the Tributary 0053 and 0045 sub-basins which may constitute a closed depression(s) as defined by the SWDM and may experience problematic additional volumes of runoff which come down the tributaries from the uplands into the valley floor do not seem so much a technically closed depression as much as an area of difficult drainage which difficulties have been aggravated by the retardation of drainage flows caused by general lack of maintenance, culvert blocking and drainage tile removal and the aforementioned *ad hoc* diversions and blockages. (Some of these problems will likely be alleviated by programmed county CIP's which will install improved drainage facilities in the upper Mullen Slough and Mill Creek sub-basins. There is also a county Agricultural Ditch Assistance Program assisting with the permitting necessary for ditch and tile maintenance (contended to be made more complex by the Critical Area Ordinance (CAO)), which has been successful in the Tributary 0048 sub-basin. And the valley floor agricultural area would certainly seem to benefit from some sort of local drainage district to govern and maintain the valley floor drainage systems; the recently enacted county-wide flood control district may have extensive enough a programmatic reach to benefit these areas of the valley.)

<sup>19</sup> In this regard, the Examiner concurs with the expert testimony provided by county drainage personnel that water flows will

- M. No causal or aggravating link has been shown between the *Serrano* property's drainage/Tributary 0053 flows and past overtopping/flooding of Southeast 287<sup>th</sup> Street, which again is in the Mullen Slough sub-basin, not in the Mill Creek sub-basin. From the evidence in the record, it appears to be localized flooding. It has not been shown to be caused as speculated by seeps running northward from the Venture Ditch and/or Tributary 0053.
- N. Neither has any causal or aggravating link been shown between the *Serrano* property's drainage/Tributary 0053 flows and the increasingly saturated ground conditions in the South 287th Street neighborhood testified to by area property owners, which inhibit agricultural production by shortening the growing season. Those portions of the valley floor are not affected by Tributary 0053, only somewhat by Tributary 0045, and more by other tributaries to the west: Tributary 0047 running roughly parallel and approximately 600 feet west of Tributary 0045, and Tributary 0048, northwest of Tributary 0047. (See ex. 22) All of those tributaries are part of the upper Mullen Slough drainage basin, are not part of the Tributary 0053/Mill Creek basin within which the *Serrano* property lies and to which its drainage flows, and are addressed for improvement by the Mullen Slough CIP which is scheduled for near-term future implementation. They are not affected by the *Serrano* drainage, would not be aggravated by it, and any adverse impacts they are experiencing or might in the future are not attributable to *Serrano*.
- O. The *Serrano* drainage facilities will conform to county water quality maintenance requirements during and post-construction. The development is required to do so by county code and the SWDM, and will install temporary and permanent erosion and sedimentation controls. In addition to the enhanced detention volumes and release rate standards proposed, the SWDM drainage adjustment revising the land areas of onsite drainage Basins B and C will decrease the amount of water discharged into the ravine erosion area and increase the amount bypassing it via the tightline, further reducing the erosive potential of the discharge from the site. No significant addition to or aggravation of erosion in the Tributary 0053 ravine is shown by a preponderance of the evidence in the record.
- P. No persuasive evidence is presented regarding adverse impact by *Serrano* drainage to a critical aquifer recharge area, as alleged in the appeal.

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seek the path of least resistance and where clear drainage paths are provided by surface ditching and subterranean piping, the flows will utilize them. The preponderance of the evidence does not support the assertion that saturation and groundwater flows on individual properties north of the Venture Ditch are caused by flows from Tributary 0053, since such flows are intercepted by the Ditch and the preponderance of the evidence in the record does not support the speculative notions that the flows bypass or overtop the Ditch during high flow conditions, or seep northward from the Ditch and flow onto adjacent and nearby properties to the north. As noted, the evidence is that the Venture Ditch did not overtop during the recent 100-year level storm event and if anything, the evidence shows that during most flow conditions during the vast majority of the time, any seepage would be *southward, into* the Ditch (as noted, seeking the path of least resistance, in this case a surface ditch). And in any case, the new routing through the Meredith Business Park will take the high flows of Tributary 0053 and convey them in a different routing as noted above. And as noted previously, any possible drifting over of Tributary 0053 base flow waters toward the Tributary 0045 channel adjacent to the west will be intercepted by the Venture Ditch and conveyed easterly.

- Q. Precious little evidence has been offered regarding the alleged secondary adverse impacts of the development's drainage on septic system operation and creation of wastewater. Some has been offered regarding the experience of mold in the interiors of residences, and water in crawl spaces, in the Southeast 287th Street neighborhood. Given the finding that the development's drainage will not adversely impact that neighborhood or elsewhere, and particularly will not aggravate the experience of saturated soil conditions in those areas, the assessment of those secondary impacts is moot in any case. The preponderance of the evidence in the record shows that the *Serrano* development would not cause or aggravate those phenomena.

13. In the final analysis:

- A. The development's proposed drainage facilities and drainage design fundamentally will conform fully to and indeed exceed the county SWDM and drainage regulations of county code by using the offered "Level 3+" release rates and significant avoidance of the Tributary 0053 ravine erosion area.
- B. Up to the 100-year storm event, the maximum design level requirement,<sup>20</sup> the development's drainage will not cause or aggravate downstream flooding. It will not increase the rate of runoff from the *Serrano* property as alleged. Runoff volumes will be mitigated to a level greatly exceeding the directly applicable and detailed regulations and specifications contained in the county's GMA development regulations.
- C. The development's drainage mitigation will be complemented by the routing of Tributary 0053 high flows through the new Meredith Business Park drainage facilities and the new additional culverting under the West Valley Highway (freeing up the Venture Ditch and its West Valley Highway culverting not to be burdened by the Tributary 0053 high flows) and then the routing easterly to bypass the West Valley Highway drainage system.
- D. If the speculative drifting of Tributary 0053 waters into Tributary 0045 occurs, in any case it will not be aggravated by the *Serrano* development because its runoff rate will be significantly reduced from that existing at present and because both Tributaries will have free-flowing conditions to their outfalls to Mill Creek downstream. (In addition, Tributary 0045 will in the near future be redirected back into the Mullen Slough sub-basin by the referenced CIP.)
- E. Neither Tributary 0053 nor 0045, individually or combined, constitutes or is a part of a closed depression, and therefore the development is not subject to closed depression drainage regulations and specifications. As noted above, both Tributaries will have free flow to their outlets downstream.
- F. The development's drainage will not cause, or exacerbate to any significant degree at all, downstream flooding problems in the Mullen Slough sub-basin and its farmland and residential properties on the valley floor, such as those in the South 287th Street neighborhood.

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<sup>20</sup> Beyond that threshold, storm events and related flooding are considered "acts of God" and not regulated.

## CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-4-P zone.
2. The preponderance of the evidence in the record demonstrates that the proposed development will conform fully to, and in fact will exceed, the drainage specifications of the SWDM and applicable county code regulations. It therefore must be concluded that the proposed subdivision makes “appropriate provisions” for drainage in its development design.<sup>21</sup>
3. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
4. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
5. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on July 13, 2006, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

## DECISION:

The preliminary plat of the *Serrano* subdivision, as revised and received July 13, 2006, is approved subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-4-P zone classification. All lots shall meet the minimum dimensional requirements of the R-4-P zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services. The P-Suffix condition, FW-P30, restricts development to single family dwelling units. A note to this effect shall be shown on the engineering plans and the final plat.

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<sup>21</sup> There are a number of topical areas regarding amenities and facilities for which “appropriate provisions” must be found evident by a subdivision decisionmaker. [RCW 58.17.110] Where the agency’s duly adopted development regulations provide specific applicable requirements and standards addressing a topical area, a decisionmaker does not have unbridled discretion to determine from a subjective standpoint what “appropriate provisions” are to be, but rather must apply the “appropriate provisions” test within the context of the development regulations. Only where the development regulations do not sufficiently address a topical issue, under properly compelling circumstances and legal justification, would a subjective assessment of the “appropriate provisions” test be appropriate.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow standards of Chapter 17.08 KCC.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the approved preliminary plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  - d. The drainage detention facilities shall be designed to meet at a minimum the Level 3 Flow Control and Basic Water Quality menu in the 2005 King County Surface Water Design Manual (KCSWDM). The site is also located in a Landslide Hazard Drainage Area and a drainage tight line is required according Core requirement 1 of the KCSWDM. Details of the proposed tight line are required on the engineering plans. Note that a proposed tight line is shown on the Conceptual Road and Storm Drainage Plan received April 27, 2006.
  - e. To implement the required Best Management Practices (BMP's) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.

- f. If Phase II of the project is not constructed with Phase 1, adequate drainage facilities shall be provided to address all road improvements constructed within Phase I.
  - g. The applicant geotechnical engineer shall provide recommendations for the design and construction of the required drainage tight line. The geotechnical recommendations shall be included in the T.I.R. and incorporated into the design with submittal of the engineering plans.
  - h. Special geotechnical construction inspection of the drainage tight line is required to ensure compliance with the geotechnical recommendations. Inspection reports shall be submitted to the assigned Land Use Inspector during the construction phases of those facilities. A final construction report shall be submitted verifying compliance with the geotechnical recommendations.
  - i. A drainage adjustment (L05V0110) is approved for this site. All conditions of approval for this adjustment shall be incorporated into the engineering plans.
  - j. The 100-year floodplain for any onsite streams or wetlands shall be shown on the engineering plans and the final plat per Special Requirement 2 of the KCSWDM.
7. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS) with Division I (according to the phasing map submitted to DDES on April 27, 2006).
- a. **FRONTAGE:** The frontage along South 300<sup>th</sup> Street shall be improved at a minimum to the urban Neighborhood Collector standard. In order to accommodate the potential development of the abutting properties (for example: DDES pre-application file A06P0234 “Talledega Heights”) and the on-street parking occurring on the north side of the roadway, the cross-section shall be increased to provide a 36-foot wide traveled-way for a distance of 200 feet on each side of the 61<sup>st</sup> Avenue South intersection. The design shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. The subgrade of the existing South 300<sup>th</sup> Street shall be evaluated and repaired where needed, prior to placement of the overlay. Based upon an evaluation of the roadway condition, this may require saw cut, removal and full reconstruction of any existing damaged pavement.
- The right-of-way for South 300<sup>th</sup> Street shall be expanded as required across the rear yards of proposed Lots 104-108 (in Division II), to place the required entering sight distance triangle within public right-of-way. The area within the public right-of-way shall be graded to an elevation of no less than 2-feet below the elevation of the sight line.
- b. **FRONTAGE:** 64<sup>th</sup> Avenue South shall be improved at a minimum to the urban Neighborhood Collector standard. In order to accommodate the potential development of the abutting property (for example: DDES pre-application file A06P0234 “Talledega Heights”) and the on-street parking occurring on the west side of the roadway, the cross-section shall be increased to provide a 44-foot wide traveled-way for a distance of 200 feet south of the intersection with South 298<sup>th</sup>-65<sup>th</sup> Avenue South intersection. South of that point, the roadway cross-section may be reduced to a 32-foot roadway. The design

shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. The subgrade of the existing 64<sup>th</sup> Avenue South Street shall be evaluated and repaired where needed, prior to placement of the overlay. The design of the improvements on the north side of the intersection shall be coordinated with the developer of the *Auburn Short Plat* (DDES File #L04S0038), and shall include appropriate transitions (including, as necessary, construction of the curb return on the northeast quadrant of the intersection) to the north of the intersection itself. This shall include a handrail at the north edge of the sidewalk above the proposed rockery/retaining wall behind the curb return on the northeast quadrant of the intersection.

Prior to final approval of the engineering plans for Division I, the Applicant shall contact Federal Way School District to determine if the District will require a widened concrete ‘pad’ on the east side of 64<sup>th</sup> Avenue South for Division I high school and middle school age students to assemble while waiting for morning bus transportation. If the District requests this widened pad, the Applicant shall design the frontage improvements to accommodate the District’s request.

- c. **FRONTAGE:** The frontage of South 298<sup>th</sup>/65<sup>th</sup> Avenue South shall be improved at a minimum to the urban Collector Arterial standard, with curb, gutter and sidewalk on the south/east side of the road, and in accordance with the Road Variance L05V0109 dated September 21, 2006, and upon an approved profile. The design shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. The subgrade of the existing South 298<sup>th</sup>-65<sup>th</sup> Avenue South shall be evaluated and repaired where needed, prior to placement of the overlay.

These improvements shall include a westbound left turn lane at the intersection of 64<sup>th</sup> Avenue South at South 298<sup>th</sup>-65<sup>th</sup> Avenue South in general conformance with the conceptual channelization plan submitted to KCDOT, and an illumination system per Section 5.05 of the 1993 KCRS. Plans for any required reconstruction of the existing guardrail, plus any new required guardrail, shall be submitted to KCDOT for review and approval

Plans for the illumination and channelization of South 298<sup>th</sup>-65<sup>th</sup> Avenue South shall be submitted to KCDOT for review and approval.

- d. The following streets shall be improved at a minimum to the urban sub collector standard:
- 64<sup>th</sup> Avenue South (between South 300<sup>th</sup> Street and South 301<sup>st</sup> Street)
  - South 299<sup>th</sup> Street
  - 65<sup>th</sup> Court South (between South 298<sup>th</sup> Street and South 299<sup>th</sup> Street)
- e. The following streets shall be improved at a minimum to the urban sub access standard:
- 65<sup>th</sup> Court South (north of South 298<sup>th</sup> Street)
  - 63<sup>rd</sup> Avenue South
  - South 301<sup>st</sup> Street (63<sup>rd</sup> Avenue South to South 299<sup>th</sup> Street)
  - South 298<sup>th</sup> Street

- f. Tract “F” shall be designed and constructed to the Private Access Tract standard per Section 2.09 of the KCRS. There shall be no access to Tract “F” from Lots 97 through 100.
  - g. Tract “B” shall be designed and constructed to at least the Joint Use Driveway standard per Section 3.01C(3) of the KCRS.
  - h. A Type III barricade shall be installed at the easterly temporary terminus of South 298<sup>th</sup> Street, near proposed Lot 43 and 44 in Division I. Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the roadway is temporarily closed and will be extended with future development. The sign shall provide the following message *“South 298<sup>th</sup> Street is temporarily barricaded and is required to be extended upon future development. Please contact King County DOT Traffic Impacts Unit at (206) 296-6596 for information.”*
  - i. Type III barricades shall be installed at any temporary roadway termini created in interim development sub-phases within Division I. Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the roadway is temporarily closed and will be extended with future development. The sign shall provide the following message *“This roadway is temporarily barricaded and is required to be extended upon future development within this subdivision. Please contact King County DOT Traffic Impacts Unit at (206) 296-6596 for information.”*
  - j. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS
8. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS) with Division II (according to the phasing map submitted to DDES on April 27, 2006).
- a. 61<sup>st</sup> Avenue South (South 300<sup>th</sup> to South 301<sup>st</sup>) shall be improved at a minimum to the urban Neighborhood Collector street standard. In order to accommodate the potential development of the abutting property (DDES pre-application file A06P0234 “Talledega Heights”) the cross-section shall be increased to provide a 36-foot wide traveled-way.
  - b. The following streets shall be improved at a minimum to the urban sub collector standard:
    - South 303<sup>rd</sup> Street
    - 61<sup>st</sup> Avenue South (n) (South 303<sup>rd</sup> Street to South 301<sup>st</sup> Street). The road stub adjoining Lots 145 and 146 shall also be designed and constructed as an urban sub collector.
    - South 301<sup>st</sup> Street (near proposed Lot 159 in Division II)

- c. The following streets shall be improved at a minimum to the urban sub access street standard:
  - 60<sup>th</sup> Avenue South (South 303<sup>rd</sup> Street to South 301<sup>st</sup> Street)
  - South 301<sup>st</sup> Street (between 61<sup>st</sup> Avenue South (s) and 60<sup>th</sup> Avenue South)
  - South 301<sup>st</sup> Street (63<sup>rd</sup> Avenue South to South 299<sup>th</sup>)
- d. The following streets shall be improved at a minimum to the urban minor access street standard:
  - 61<sup>st</sup> Place South
- e. Tract “S” shall be designed and constructed to the Private access Tract standard per Section 2.09 of the KCRS.
- f. The right-of-way for the extension of 61<sup>st</sup> Avenue South, from a point south of the South 303<sup>rd</sup> Street intersection (near proposed Lots 145 and 146) shall be dedicated from the south line of proposed Lot 145 to the subdivision boundary near Tax Lot 5647900810 (Street Address: 2413 “U” Street NW). All right-of-way necessary for the construction of an urban sub collector street (per the 1993 KCRS) together with necessary slopes, along an approved vertical and horizontal alignment. The westerly right-of-way line shall align with the west right-of-way line of “U” Street NW as recorded with the plat of Morning Crest (Recording #8009240724). No actual construction of this portion 61<sup>st</sup> Avenue South/“U” Street NW is required.
 

A Type III barricade shall be installed at the southerly temporary terminus of 61<sup>st</sup> Avenue South, near proposed Lot 145 in Division II. Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the roadway is temporarily closed and will be extended with future development. The sign shall provide the following message *“61<sup>st</sup> Avenue South is temporarily barricaded and is required to be extended upon future development. Please contact King County DOT Traffic Impacts Unit at (206) 296-6596 for information.”*
- g. Type III barricades shall be installed at any temporary roadway termini created in interim development sub-phases within Division II. Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the roadway is temporarily closed and will be extended with future development. The sign shall provide the following message *“This roadway is temporarily barricaded and is required to be extended upon future development within this subdivision. Please contact King County DOT Traffic Impacts Unit at (206) 296-6596 for information.”*
- h. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS.

- i. Prior to final approval of the engineering plans for Division II, the Applicant shall contact Federal Way School District to determine if the District will require a widened concrete 'pad' on the south side of South 300<sup>th</sup> Street, at 61<sup>st</sup> Avenue South, for Division II high school and middle school age students to assemble while waiting for morning bus transportation. If the District requests this widened pad, the Applicant shall design the frontage improvements to accommodate the District's request.
9. A haul route plan and report shall be submitted to King County DDES and DOT for review and approval prior to engineering plan approval, and initiation of on-site grading operations in both Divisions I and II. The haul route plan shall identify, at least, the proposed volume of material to be hauled on and off-site, the duration of haul operations, the estimated number of truck-loads of material, the identified origin/destination of haul material, and a schedule of operations during work days.

Based upon the information in the report, a haul route agreement may need to be approved by King County DOT. This may require an assessment of current pavement conditions along those roadways within unincorporated King County, on-going monitoring of the pavement conditions, and potential reconstruction of pavement damage attributable to haul operations associated with the Serrano (fka Meredith Heights) project.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
14. The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of critical areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

15. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

#### **Wetlands & Streams**

- a. Wetlands: Category IV wetlands shall have a minimum buffer of 50 feet, measured from the wetland edge.
- b. Aquatic Areas: Type N aquatic areas shall have a minimum 65-foot-buffer, measured from the ordinary high water mark (OHWM).
- c. Critical areas and buffers shall be placed in Critical Area Tracts for long term protection.
- d. A 15-foot building setback line is required from the edge of Critical Area Tracts and shall be shown on all affected lots.
- e. Fencing (four foot high split-rail or similar) shall be installed along the Critical Area Tract boundaries in the area of newly created lots. Critical area signs shall be installed on the fence at 100 foot intervals or less.
- f. Buffer averaging may be permitted per 21A.24.325 C. Final review will be completed during engineering review. A buffer enhancement plan may also be required.
- g. The proposed road, South 299<sup>th</sup> Street, will impact the stream buffer. This impact was not shown on the site plan. An impact assessment and mitigation is required for this impact.
- h. Road improvements for South 300<sup>th</sup> Street and 65<sup>th</sup> Avenue South will impact critical areas. An impact assessment and mitigation is required for these impacts. Special construction techniques such as retaining walls shall be utilized to lessen the amount of impact.
- i. Any in stream work, such as culvert replacement or extensions, may be approved and is subject to mitigation requirements. Such work may also require approval from the Department of Fish and Wildlife or other agencies. It will be the applicant's responsibility to contact these agencies.
- j. The engineering plans shall be submitted and reviewed by Critical Areas Staff.

#### **Geotechnical**

- k. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer these slopes. The buffer may be reduced with the submittal of a satisfactory soils report, subject to review and approval by DDES geologist, prior to engineering plan approval.

1. The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
16. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL  
AREAS AND BUFFERS**

Dedication of a critical area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). The applicant shall provide adequate recreation space required for each Phase (390 square feet per lot) and revise location(s) to be suitable per KCC 21A.14.180. This may result in the reconfiguration and/or loss of lots.
- a. A detailed recreation space plan (i.e., area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
19. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if South 300<sup>th</sup> Street, 64<sup>th</sup> Avenue South, or 65<sup>th</sup> Avenue South is on a bus route. If South 300<sup>th</sup> Street, 64<sup>th</sup> Avenue South, or 65<sup>th</sup> Avenue South is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

20. In the event that any archaeological objects are uncovered on the site, the applicant shall comply with RCW Chapter 27.53, Archaeological Sites and Resources. Immediate notification and consultation with the State Office of Archaeology and Historic Preservation, King County Office of Cultural Resources and relevant tribes (including the Suquamish, Puyallup and Muckleshoot tribes) is required if discovered materials are prehistoric and a site is present.
21. **SPRINKLER REQUIREMENT** All future residences constructed within this subdivision are required to be **sprinklered** (NFPA 13D) unless the requirement is removed by the King County Fire Marshall or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement driving surfaces between curbs must be a minimum of 28 feet in width when parking is allowed on one side of the roadway, and at least 36 feet in width when parking is permitted on both sides.
22. The subdivision shall conform to KCC 16.82 relating to grading and tree retention on private property.
23. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicant shall demonstrate compliance with these items prior to final approval.

In order to mitigate the significant adverse impact (KCC 14.80.030A) that the proposed development will have at the intersection of existing 46<sup>th</sup> Place South/South 321<sup>st</sup> Street, the Applicant shall, jointly with the developer of the proposed “CamWest Federal Way” subdivision (DDES File #L04P0024), widen South 321<sup>st</sup> Street as necessary to provide a westbound left turn lane meeting applicable King County Standards together with necessary transitions to the existing roadway section to the west of the intersection that also provides a merge-refuge lane with a minimum 50 feet of storage area. This merge-refuge shall be provided at the realigned 46<sup>th</sup> Place South (now referred to as 46<sup>th</sup> Avenue South) intersection with South 321<sup>st</sup> Street. This shall include all necessary channelization and illumination in accordance with the 1993 King County Road Standards. Plans for these improvements shall be submitted to King County DOT Traffic Engineering for review and approval.

The criteria for the significant, adverse nature of the impact of the proposal at this location would occur at the full development of the proposed project (i.e. Phase I and Phase II). Although not specified in the SEPA determination, the Applicant shall provide a suitable financial guarantee (bond), in an amount to be approved by the County, for these improvements prior to, or in conjunction with, recordation of the first Division (either Division I, or Division II) of the plat of Serrano (DDES File #L05P0010). Construction of the improvements must occur with the recordation of the final Division (either Division II, if Division I is recorded first, or vice versa) of Serrano.

If the Applicant of the proposed plat of Serrano reaches an agreement with the applicant for the CamWest Federal Way (DDES File #L04P0024) development to share costs for the engineering and construction of the required cumulative improvements at the 46th Avenue South/South 321<sup>st</sup> Street intersection, and, the improvements are constructed by the CamWest applicant, then the condition shall be considered to be satisfied. A copy of said agreement shall be provided to King County DDES and DOT.

ORDERED June 5, 2007.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED June 5, 2007 to the following parties and interested persons of record:

Mike & Linda Baker	Barghausen Consulting Engr.	John Baringer
Carol Bond	Greg & Colleen Bruin	Kelly & Tina Busenius
Brent Carson	Sam Choi	City of Auburn
Howard & Sharon Cottier	Sally Cowan	Luisito Cuaresma
Kathleen Cummings	Roseanna Donley	Debbie Doyle
Brent Evans	Jim & Karen Ficca	Kris & Ruth Greb
Nancy Grimes	Harbour Homes, Inc.	Jay & Bonnie Harper
Mara & Dennis Heiman	John Henner	Jerry & Dode Holdsworthy
Jim & Kris Hudson	Greg Hugh	Floyd & Doreen Hunt
Kameron Hunt	Nicholas Johnson	Luay Joudeh
Phillip & Suzanne Kneip	Norman & Darlene Locken	Angela McGregor
Lori Michaelson	Jeanette Miller	Howard Mount
Muckleshoot Indian Tribe	Megan Nelson	Rod Parr
Daniel J. Poortvliet	Marjorie Pulliam	Leanne Raybuck
Joe Santamaria	Eric & Clarita Santos	Don & Christi Scarsella
Joseph Schuler	Seattle KC Health Dept.	D. Shear
Beth Shoemaker	David & Nancy Sommerfield	Jeffrey L. Spencer
Shirley N. Spencer	Robert Stillings	Talasa Consultants
C. W. Taylor	Patricia Taylor	Jennifer Wing
WSDOT - NW Region	Trishah Bull	Kim Claussen
Lisa Dinsmore	Steve Foley	Nick Gillen
Shirley Goll	Barbara Heavey	Kristen Langley
Brian Sleight	Steve Townsend	Larry West
Kelly Whiting	Bruce Whittaker	

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before June 19, 2007***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before June 26, 2007***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE FEBRUARY 8, 2007, MOTION HEARING AND DECEMBER 19, 2006, AND MARCH 8 AND APRIL 2, 4, 25 and 30, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L05P0010.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Barbara Heavey, Trishah Bull, Bruce Whittaker, Kristen Langley, and Brian Sleight, representing the Department; Brent Carson and Megan Nelson representing the Applicant; James Klauser representing the Appellant; Appellant Mara Heiman; and Carol Bond, Brent Evans, Luay Joudeh, Howard Cottier, James Ficca, Eric Santos, Jim Hudson, Roseanna Donley, Dan Balmelli, Bill Shiels, John C. Baringer, Brian Sleight and Steve Foley.

The following exhibit was offered and entered into the record on February 8, 2007:

Exhibit No. 1      Email chain beginning on December 12, 2006, at 8:40 a. m. and ending on December 12, 2006, at 1:51 p. m.

The following exhibits were offered and entered into the record on March 8, 2007

Exhibit No. 2      Department of Development and Environmental Services file no. L05P0010  
 Exhibit No. 3      Department of Development and Environmental Services Preliminary Report, dated December 19, 2006  
 Exhibit No. 4      Application for Land Use Permits received May 2, 2005  
 Exhibit No. 5      SEPA Environmental checklist received April 27, 2006 (revised)  
 Exhibit No. 6      SEPA Mitigated Determination of Non-significance issued November 21, 2006

- Exhibit No. 7 Affidavit of Posting indicating a posting date of July 20, 2005; received by DDES on July 22, 2005
- Exhibit No. 8 Preliminary plat map received July 13, 2006 (revised)
- Exhibit No. 9 Level 1 Downstream Analysis by DR Strong Consulting Eng., Inc., received May 2, 2005
- Exhibit No. 10 Conceptual Road and Storm Drainage Plan received April 27, 2006 (revised)
- Exhibit No. 11 Critical Areas Report and Buffer Establishment Program Report by Habitat Technologies, received May 2, 2005
- Exhibit No. 12 Preliminary Geotechnical Engineering Study, Proposed Johnson Farm by Earth Consultants, Inc., received May 2, 2005
- Exhibit No. 13 Meredith Heights Plat Level 1 Traffic Impact Analysis by Jake Traffic Engineering, Inc., received May 2, 2005
- Exhibit No. 14 Approved KCRS Variance no. L05V0109 dated September 21, 2006
- Exhibit No. 15 Approved KCWSDM Adjustment no. L05V0110 dated May 4, 2006
- Exhibit No. 16 Letters from State of Washington Department of Fish and Wildlife dated
  - a - December 12, 2006
  - b - March 1, 2007
- Exhibit No. 17 Aerial photo of subject area annotated to show stoplights
- Exhibit No. 18 Conceptual landscape plans (color) by DR Strong Consulting Engineers, Inc., for:
  - a – Tracts E, P, A, I and R
  - b – Proposed development
- Exhibit No. 19 Memorandum from Buck & Gordon, LLP, to King County Hearing Examiner with attachments (14) dated March 7, 2007

The following exhibits were offered and entered into the record on April 2, 2007:

- Exhibit No. 20 DDES proposed revision to condition 7.a, paragraph 2
- Exhibit No. 21 Photos (2 color) of crawl space, submitted by James Ficca
- Exhibit No. 22 Map of Mill Creek Tributary 0053/Upper Mullen Slough
- Exhibit No. 23 Photos presented by Eric Santos a) 1-page color copy b) photo album
- Exhibit No. 24 Photo montage (color copies) of field with standing water
- Exhibit No. 25 Photo (color copy) of new pavement w/roadside standing water
- Exhibit No. 26 Photo (color copy) of interior of Henderson Barn
- Exhibit No. 27 Photo montage (color) of field with standing water, from Roseanne Donley
- Exhibit No. 28 Photo montage (color) of field with standing water, from Roseanne Donley
- Exhibit No. 29 Photos (4 color) provided by Roseanne Donley
- Exhibit No. 30 Testimony of Roseanne Donley dated March 31, 2007
- Exhibit No. 31 Testimony of Howard A. Cottier
- Exhibit No. 32 Diagram by Talasaea Consultants, Inc., showing coir log placement
- Exhibit No. 33 Photograph (2 color copies – A and B) showing coir logs
- Exhibit No. 34 Email from Mara Heiman re: Drainage Complaint with 6 attachments (3/17/06 letter and 8 photographs – 5 black and white copies plus 3 color duplicates)
- Exhibit No. 35 Photo montage (color copies) taken by Bruce Whittaker showing standing water along roadside, dated 1/13/06
- Exhibit No. 36 Aerial photo of subject area, indicating a date of 5/4/80
- Exhibit No. 37 Final MDNS for Meredith Business Park signed August 17, 2004
- Exhibit No. 38 City of Auburn Hearing Examiner's recommendation for the Meredith Business Park with cover letter from Paul Krauss dated October 25, 2004

- Exhibit No. 39 City of Auburn Agenda Bill Approval Form for application no. PLT04-0003 with attached Resolution No. 3781
- Exhibit No. 40 City of Auburn Grading Receipt for permit no. GRA01-0022, issued 5/11/2005 for 3815 Valley Hw N
- Exhibit No. 41 WA Dept. of Fish and Wildlife hydraulic project approval issued April 14, 2006, for control no. 104669-1, Meredith Business Park Wetland Mitigation
- Exhibit No. 42 Letters from Army Corps of Eng. dated 1/4/2000 regarding wetland restoration w/attached Corp's Jurisdictional Areas map and 6/17/2003 regarding - nationwide permits
- Exhibit No. 43 Letter from Barghausen Consulting Engineers to Tim Carlaw, City of Auburn, re: Meredith Business Park weir design, dated June 12, 2006
- Exhibit No. 44 Storm drainage improvement plans for Span-Distribution Center Alaska with City of Auburn approval on 7/18/2006
- Exhibit No. 45 Photographs (6 color copies, A-F) taken by Bill Shiels
- Exhibit No. 46 Photograph (1 color copy)

The following exhibits were offered and entered into the record on April 4, 2007:

- Exhibit No. 47 Mullen Slough CIP Study and Action Plan - final draft, dated October 2002
- Exhibit No. 48 Photo montage (color copy) taken by Bruce Whittaker on 1/13/2006
- Exhibit No. 49 Photos (2 color copies) taken by Bruce Whittaker on A) 1/11/2006 and B) 1/13/2006
- Exhibit No. 50 Email chain – Bruce Whittaker to tearlaw and Mason Bowles to Bruce Whittaker dated January 12, 2006
- Exhibit No. 51 Mill Creek/Mullen Slough Chronic Flood Assessment, 2002, dated June 2002
- Exhibit No. 52 Photo (1 color copy) taken by MH in later summer 2006
- Exhibit No. 53 Letter from King County Water and Land Resources Division to Mara Heiman dated May 1, 2006, regarding Drainage Issues Letter 03/17/06
- Exhibit No. 54 Email chain Steve Foley to Fred White – March 23, 2006 and from Fred White to Steve Foley - March 27, 2007
- Exhibit No. 55 Photo (1 color copy)
- Exhibit No. 56 Photograph (1 color copy)
- Exhibit No. 57 Copies of Drainage Investigation Report file no. 96-2004 with 5 attachments
- Exhibit No. 58 Photos (4 color copies) A) Heiman crawl space 2/19/2007, B) mold in Heiman attic, C) fungus on carpet taken about 3/01/07 and D) photo of neighboring residence taken March 2007
- Exhibit No. 59 Mara Heiman comment letter dated March 17, 2006
- Exhibit No. 60 Letter to Mara Heiman from the City of Auburn dated August 16, 2004, with attachments (79 pages total) (excluding City of Auburn cover sheet of 9-15-04)
- Exhibit No. 61 Complaint Investigation Report for no. 090366 with attachment, dated August 8, 1983

The following exhibits were offered and entered into the record on April 25, 2007:

- Exhibit No. 62 Map entitled Alternative #8, Protect Mill Creek Corridor (annotation by Luay Joudeh), dated December 1999
- Exhibit No. 63 Map entitled Trib. 053, Existing Conditions, Proposed Developments, dated October 13, 2005
- Exhibit No. 64 Technical Information Report by D.R. Strong Consulting Engineers, Inc., dated November 8, 2006

- Exhibit No. 65 King County Flow Control Applications Map dated December 2004
- Exhibit No. 66 Data sheets regarding Runoff Rates (5 pages), Location: Sea-Tac
- Exhibit No. 67 Aerial orthophotos (2 color – A-2002 and B-2005) of subject area
- Exhibit No. 68 A – Table and B – Chart , both entitled Total Serrano Site Runoff Rates
- Exhibit No. 69 Photographs – 16 color copies with side notes on 8 pages provided by Brian Sleight of King County Department of Natural Resources and Parks
- Exhibit No. 70 Cross-sectional profile chart provided by Brian Sleight of DNRP

The following exhibits were offered and entered into the record on April 30, 2007:

- Exhibit No. 71 Core Requirement #2: Offsite Analysis from 2005 Surface Water Design Manual
- Exhibit No. 72 Color photograph of Roseanna Donley taken in 2006
- Exhibit No. 73 Letter to Dave Clark from Dennis Dowdy dated December 17, 1998
- Exhibit No. 74 Appellant's objection & request for relief from Rowley & Klauser, LLP

PTD:gao  
L05P0010 RPT2